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BERNADETTE BANTLY, BAR NO. 124659  
MEGHAN E. OLIVERI, BAR NO. 236107  
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Attorneys for Defendant  
BHARAT RAKSHAK, DDS

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

TRUSTEES OF THE TRI-COUNTIES  
WELFARE TRUST FUND and  
PROFESSIONAL GROUP  
ADMINISTRATORS, INC., a corporation,

Plaintiffs,

v.

BAHRAT RAKSHAK, DDS, a  
professional dental corporation, d/b/a  
RODEO DENTAL GROUP; LYNNE  
SIMMS, D.D.S., a professional dental  
corporation, d/b/a RODEO DENTAL  
GROUP; JESSICA HUANTE,  
individually; BAHRAT RAKSHAK,  
individually; LYNNE SIMMS,  
individually; and DOES 1 through 15,  
inclusive,

Defendants.

No. C-07-06332 RMW

**DECLARATION OF BERNADETTE  
BANTLY IN SUPPORT OF OPPOSITION  
TO MOTION TO REMAND**

Hearing Date: March 14, 2008  
Hearing Time: 9:00 a.m.  
Courtroom: Courtroom 6, 4<sup>th</sup> Floor  
Judge: Hon. Ronald M. Whyte

I, Bernadette Bantly, hereby declare:

1. I am an attorney licensed to practice law before this Court and Of Counsel to Bradley, Curley, Asiano, Barrabee & Gale, P.C. attorneys of record for defendant BHARAT RAKSHAK, DDS. The facts stated herein are of my own personal knowledge and are true and correct except as to those matters which are stated upon information and belief and as to those matters I believe them to be true and if called as a witness I could and would competently testify thereto.

1           2.       Prior to filing the removal papers in this case on December 13, 2007, I  
2 contacted the Monterey County Superior Court Clerk to determine whether any defendants other  
3 than Dr. Rakshak had been served in the state court proceeding, Case No. M86M83. The Court  
4 Clerk advised me that there was no proof of service on file evidencing service on any other  
5 defendant.

6           3.       On January 17, 2007, I inspected the Monterey County Superior Court Clerk's  
7 file in Case No. M86M83, which confirms that plaintiffs filed a proof of service by mail  
8 regarding Jessica (Huante) Diaz with the court on December 17, 2007, after the case was  
9 already removed to this Court. Attached hereto as Exhibit A is a true and correct copy of the  
10 Monterey County Superior Court Clerk's file index.

11  
12           I declare under penalty of perjury under the laws of the United States of America that  
13 the foregoing is true and correct and that this declaration was executed on this 14<sup>th</sup> day of  
14 February, 2008 in Larkspur, California.

15  
16 By:  \_\_\_\_\_

17 BERNADETTE BANTLY

18  
19 H:\Docs\TDIC\7356\p\decl of BB in support of opp to motion to remand.wpd

09-28-07 - Complaint. Filed/Issued by: Plaintiff

09-28-07 - Summons: Issued. Filed/Issued by: Clerk

09-28-07 - Civil Case Cover Sheet. Filed/Issued by: Plaintiff

09-28-07 - Notice - CMC Statement. Filed/Issued by: Clerk

11-14-07 - Complaint: Amended-First. Filed/Issued by: Plaintiff

12-05-07 - Notice - related case 107CV095539. Filed/Issued by: Plaintiff

12-06-07 - Proof: Service - Bahrat Rakshak, DDS. Filed/Issued by: Plaintiff. Date Served: 11-15-07

12-06-07 - Proof: Service - Bahrat Rakshak, DDS. Filed/Issued by: Plaintiff. Date Served: 11-15-07

12-11-07 - Answer - as to Bharat Rakshak DDA. Filed/Issued by: Defendant

12-14-07 - Notice - of Plaintiffs of Defendant's Removal to Federal Court. Filed/Issued by: Defendant

12-17-07 - Proof: Service - Arthur W. Curley / Bernadette D. Bantly. Filed/Issued by: Plaintiff. Date Served: 12-14-07

12-17-07 - Proof: Service - by Mail: Jessica Huarte. Filed/Issued by: Plaintiff. Date Served: 11-27-07

12-17-07 - Proof: Service - Jessica Huarte. Filed/Issued by: Plaintiff. Date Served: 11-24-07

**PROOF OF SERVICE**C.C.P. Section 1013a, C.C.P. Section 2015.5Trustees of the Tri-Counties Welfare Trust Fund, et al. v. Bahrat Rakshak, DDS, et al.  
Monterey County Superior Court, Case No. M 86583

United States District Court Northern District of California, Case No. C 07-06332 RMW

I, the undersigned, declare that:

I am employed in the County of Marin, State of California. I am over the age of 18 years and not a party to the within action. My business address is 1100 Larkspur Landing Circle, Suite 200, Larkspur, CA 94939.

On February 15, 2008, I served the attached:

**DECLARATION OF BERNADETTE BANTLY IN SUPPORT OF OPPOSITION TO  
MOTION TO REMAND**

( ☐ ) **BY FACSIMILE:** By transmitting the same from a facsimile machine (415) 464.8887 to the person(s) identified below whose facsimile transmission machine telephone number(s) listed below. The transmission was reported complete without error by a transmission report issued by the sending facsimile transmission machine.

( ☒ ) **BY MAIL:** I placed a true copy thereof in a sealed envelope, with postage thereon fully prepaid for first-class mail, in the designated outgoing mail receptacle at Bradley, Curley, Asiano, Barrabee & Crawford for collection by another employee who is responsible in the normal course of business, for depositing the stamped envelopes for mailing this same day in the United States Mail at 1100 Larkspur Landing Circle, Larkspur, California addressed to:

**Attorneys for Plaintiffs**  
**Matthew Morbello, Esq.**  
**Teague P. Paterson, Esq.**  
**Beeson Tayer & Bodine**  
**1404 Franklin Street, Fifth Floor**  
**Oakland, CA 94612**  
**Tel: (510) 625-9700**  
**Fax: (510) 625-8275**

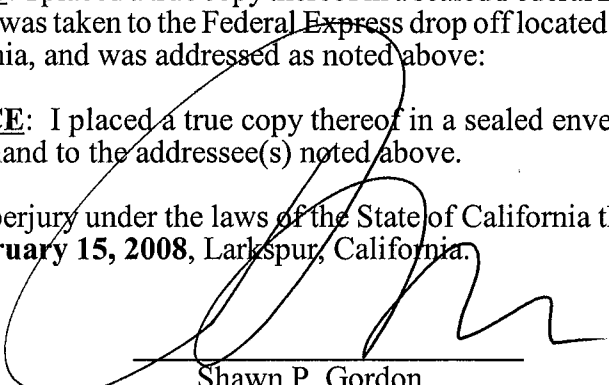
**James Wold, Esq.**  
**Wold Law Group**  
**2455 Mission Street**  
**San Marino, CA 91108**

**Michael A. Dubin, Esq.**  
**Hooper, Lundy & Bookman, Inc.**  
**575 Market Street, Suite 300**  
**San Francisco, CA 94105**

( ☐ ) **BY FEDERAL EXPRESS:** I placed a true copy thereof in a sealed Federal Express overnight envelope. The overnight envelope was taken to the Federal Express drop off located at 1100 Larkspur Landing Circle, Larkspur, California, and was addressed as noted above:

( ☐ ) **BY PERSONAL SERVICE:** I placed a true copy thereof in a sealed envelope, and caused such envelope to be delivered by hand to the addressee(s) noted above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed **February 15, 2008**, Larkspur, California.

  
 Shawn P. Gordon